



Docket No. 2112-342.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of VEGLIANTE et al.	:	Customer No. 26817
Serial No. 09/970,015	:	Group Art Unit: 3724
Filed: October 3, 2001	:	Examiner: Hamilton, I.
Title: FILM CUTTER ASSEMBLY	:	Confirmation No. 2684
	x	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

DECLARATION OF IAN KAISER
SUBMITTED UNDER 37 CFR 1.132

1. I, Ian Kaiser, an inventor of the above-described patent application, employed as president of Allen Reed for the past thirteen (13) years, hereby declare as follows:

2. I understand that the above-identified patent application has been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,440,961 to Lucas, Jr. et al. I have reviewed this reference. It is my opinion that the claimed film cutter apparatus of the present application is non-obvious over the cited reference because the claimed film cutter apparatus achieved superior results as shown by the following experiments.

3. Experiments were performed using the star cutters shown in attached Fig. 1. The star cutter has a similar shape to the star cutter shown in Fig. 5 of Lucas, Jr. et al. The star cutter was rotatably mounted on an axle.

4. The star cutter mounted on an axle was rotated over plastic wrap. The star cutter mounted on an axle did not cut through the plastic wrap.

5. The star cutters shown in Fig. 1 were mounted in the housing shown in Fig. 2 and rotated over a plastic wrap material. The housing includes two rotary disc blades driven by four wheels as described in Lucas, Jr. et al.

6. The star cutter shown in Fig. 1 and mounted in the housing shown in Fig. 2 was rotated over a plastic wrap material. The star cutter provided a perforated cut of the plastic wrap. It was found that the distance and depth of a star point does not allow sufficient time to cut through material for a next star point, resulting in a perforated like cut. Closing the distance between the star points and shortening the length of the star points achieved minimal improvement due to the material being flexible which resulted in the star point not cutting all the way through the material.

7. The star cutters shown in Fig. 1 and mounted in the housing shown in Fig. 2 were tested on a rail formed of a material for providing cling properties to plastic wrap received over the rail. The star cutter did not provide a perforated cut of the plastic wrap. The star cutter pushed and bound up the plastic wrap as soon as it made contact with the plastic wrap.

8. The star cutters shown in Fig. 1 were used with a non-slip material of a urethane tape for holding down the plastic wrap as described in Lucas, Jr. et al. The star cutter was able to provide a perforated cut of the plastic wrap. Accordingly, Lucas, Jr. et al. teach away from the present invention by teaching a non-slip or adhesive material is used for tensioning of the material to be cut during use of a star cutter.

9. A film cutter apparatus according to claim 1 of the present invention was used to cut a plastic wrap. The film cutter apparatus provided a straight cut entirely through the plastic wrap. It is my opinion that the combination of the blade and the material of the rails providing a cling property of the plastic wrap received over the rails of the present invention provides superior results over the star cutter described in Lucas, Jr. et al.

10. The film cutting apparatus of Lucas, Jr. et al. uses a roller assembly for rotating the cutting wheel and guide wheels for guiding the cutting device during cutting of a material. The film cutting apparatus of claim 1 of the present application does not

use mechanical interaction of a roller assembly and guide wheels for cutting a film. In my opinion, the film cutting apparatus of the present invention is less expensive to manufacture than the Lucas, Jr. et al. film cutting apparatus.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 6/16/05, 2005

By:


IAN KAISER



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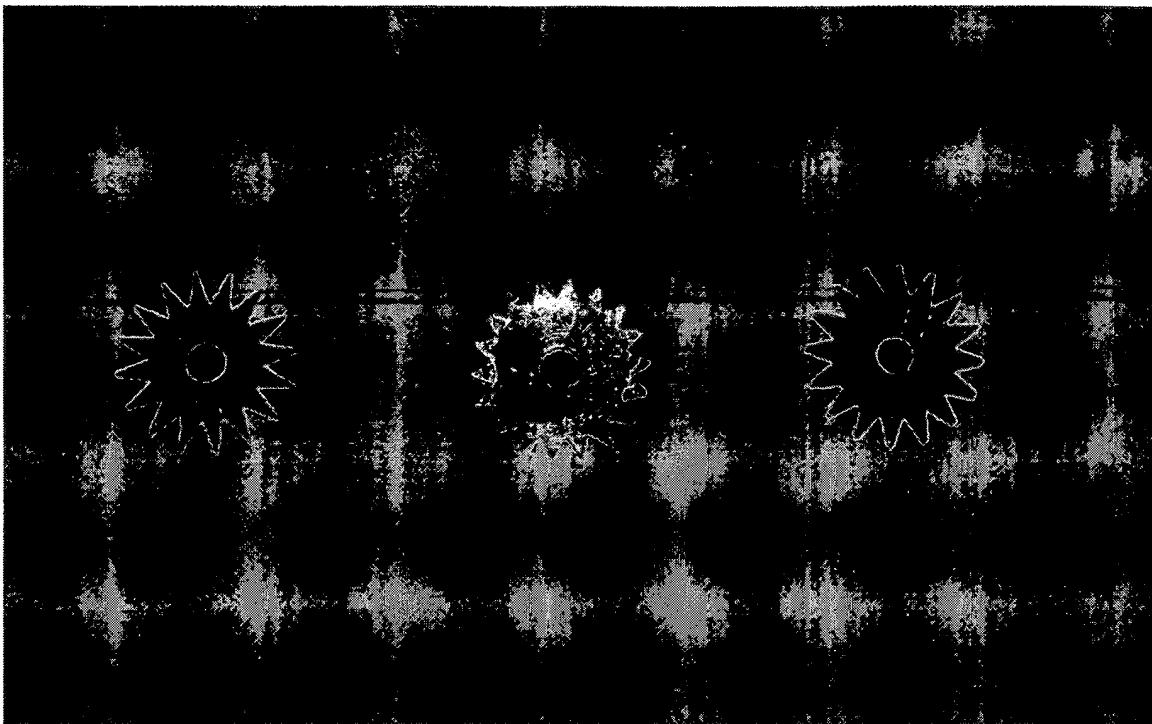


Fig. 1



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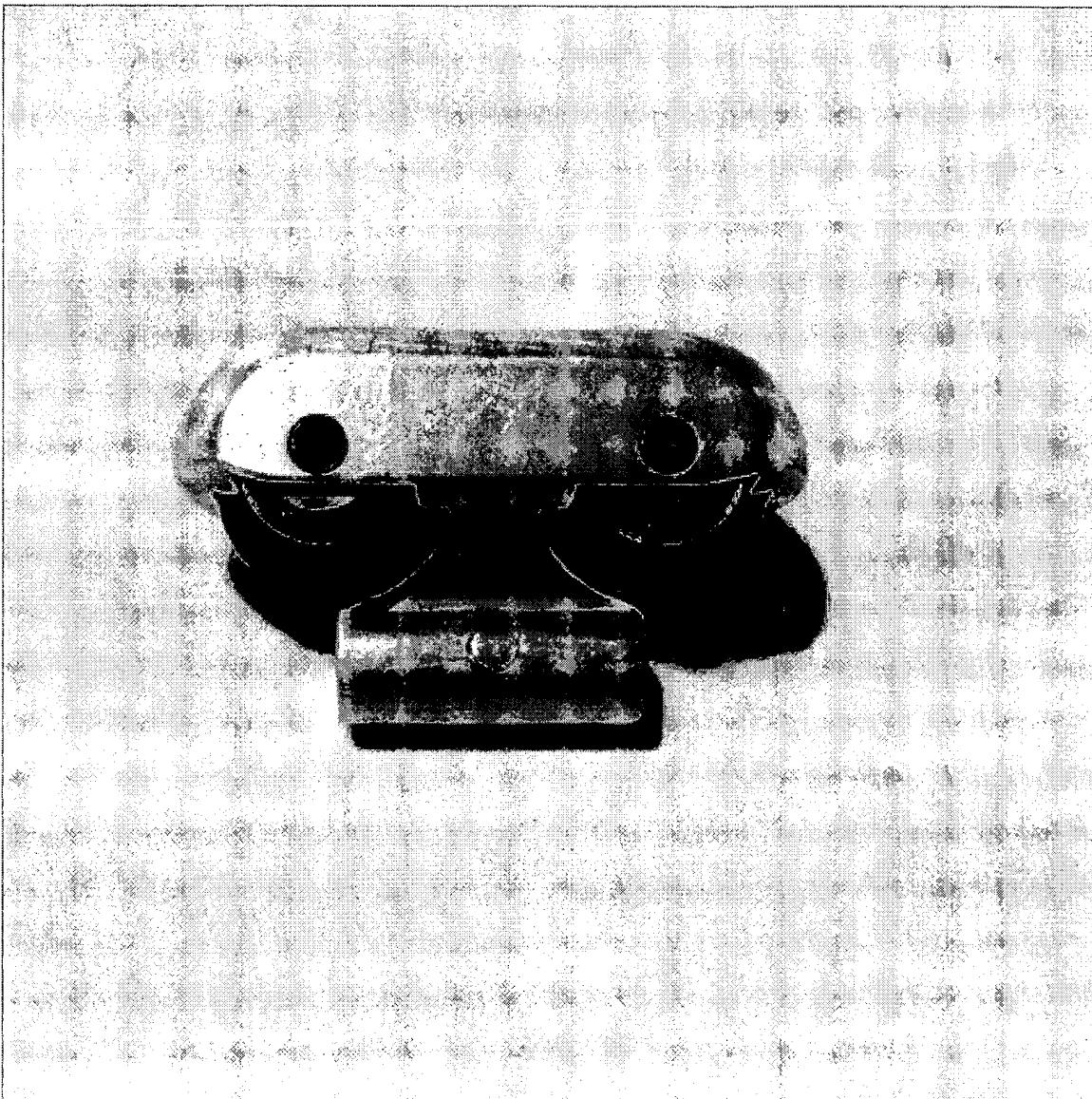


Fig. 2A

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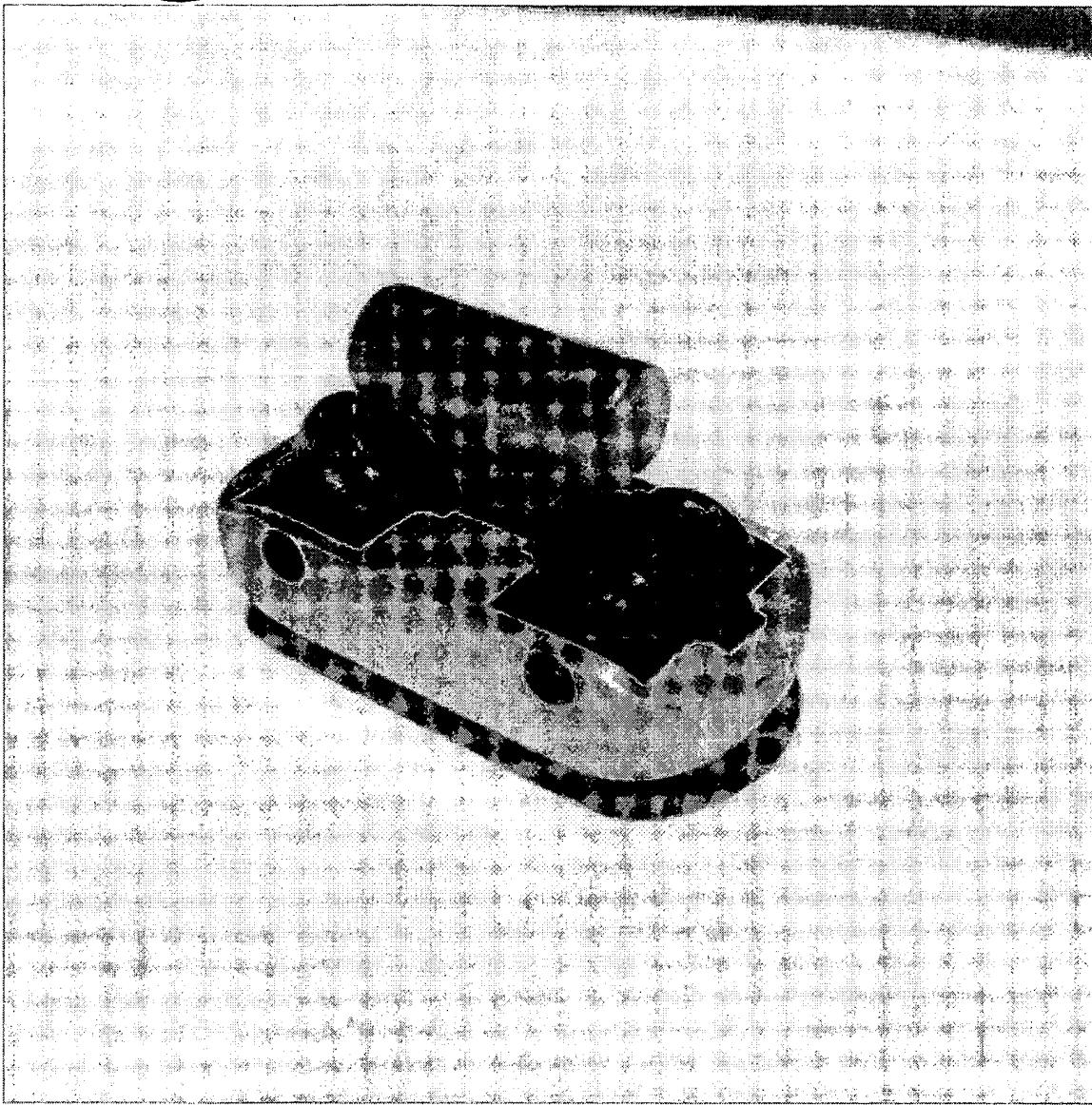


Fig. 2B